



General Assembly

February Session, 2010

***Raised Bill No. 5296***

LCO No. 1351

\*01351\_\_\_\_\_HS\_\*

Referred to Committee on Human Services

Introduced by:  
(HS)

***AN ACT CONCERNING THE DEFINITION OF MEDICAL NECESSITY.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1       Section 1. (NEW) (*Effective July 1, 2010*) (a) For purposes of the  
2       administration of the Medicaid program by the Department of Social  
3       Services, "medically necessary" and "medical necessity" mean those  
4       services required to prevent, identify, diagnose, treat, rehabilitate or  
5       ameliorate a medical condition or mental illness, or its effects, in order  
6       to attain or maintain maximum achievable health, functioning and  
7       independence, provided such services are: (1) Consistent with  
8       generally-accepted standards of medical practice that are based on (A)  
9       credible scientific evidence published in peer-reviewed medical  
10      literature that is generally recognized by the relevant medical  
11      community, (B) recommendations of a physician-specialty society, (C)  
12      the views of physicians practicing in relevant clinical areas, and (D)  
13      any other relevant factors, as determined by the Department of Social  
14      Services; (2) clinically appropriate in terms of type, frequency, timing,  
15      site, extent and duration and considered effective for the patient's  
16      illness, injury or disease; and (3) not primarily for the convenience of  
17      the patient, physician or other health care providers and not more

18 costly than an alternative service or sequence of services at least as  
19 likely to produce equivalent therapeutic or diagnostic results as to the  
20 diagnosis or treatment of that patient's illness, injury or disease.

21 (b) The Department of Social Services, or a designee of the  
22 department, shall conduct an individualized assessment of a Medicaid  
23 recipient's medical condition or mental illness to determine whether  
24 services are medically necessary or a medical necessity, as defined in  
25 subsection (a) of this section, for the recipient.

This act shall take effect as follows and shall amend the following sections:		
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Section 1	July 1, 2010	New section
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***Statement of Purpose:***

To define the terms "medically necessary" and "medical necessity" for the purpose of the administration of the Medicaid program.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*